

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION FOR A CRIMINAL COMPLAINT**

I, Mariano Garay-Ortiz, being first duly sworn, do here by depose and state that:

INTRODUCTION AND AGENT BACKGROUND

1. I am a United States Customs and Border Protection Enforcement Officer with the Department of Homeland Security, assigned to investigate Immigration Law violations and Criminal Laws of the United States at the Luis Muñoz Marín International Airport, Carolina, Puerto Rico.

2. I make this affidavit based on my own personal knowledge and on oral and written reports by other federal, state, and/or local law enforcement agents and officers that investigated this matter. This affidavit does not contain all the information derived from this investigation only that which is sufficient to demonstrate probable cause to believe that a crime has been committed.

3. This affidavit is submitted in support of a criminal complaint charging Cristian DIAZ-DUVERGE (“DIAZ-DUVERGE”) with: (1) Improper entry by Alien in violation of 8 U.S.C. § 1325(a)(2); and (2) Stowaways on Vessels or Aircraft in violation of 18 U.S.C. § 2199.

PROBABLE CAUSE

4. On or about April 28, 2025, at the Port of San Juan Pier, San Juan, Puerto Rico, an alien by the name of Cristian DIAZ-DUVERGE, a citizen of the Dominican Republic, was found attempting to enter the United States on board the M/V Kydon from Caribbean Ferries as a Stowaway.

5. The ferry M/V Kydon was coming from the Port of Santo Domingo, Dominican Republic.

6. DIAZ-DUVERGE boarded the ferry at Santo Domingo Pier in the Dominican Republic a stowaway with the intention to arrive at San Juan, Puerto Rico.

7. DIAZ-DUVERGE boarded the ferry by eluding the security of the Port of Santo Domingo and boarded the vessel undetected.

8. DIAZ-DUVERGE boarded the vessel as a stowaway using one of the ship's mooring lines, hiding and concealing himself from security in an external area of the vessel, located behind the AFT ramp (back of the vessel).

9. Once in Puerto Rico, DIAZ-DUVERGE was found inside the ferry alone by one of the security officers of the Ferry where he eluded examination or inspection by immigration

10. DIAZ-DUVERGE was taken to the U.S. Customs and Border Protection facilities to be processed for repatriation to his home country the Dominican Republic.

11. During this process DIAZ-DUVERGE fingerprints were submitted to the FBI for examination and comparison. This examination disclosed no match to any immigration record.

12. DIAZ-DUVERGE was read his *Miranda* rights, and he did not waive his rights or agree to be interviewed.

13. Using the Dominican Republic "CEDULA" database system, the identity of Mr. DIAZ-DUVERGE was confirmed as Cristian DIAZ-DUVERGE (Cedula #402-2658756-2), and that he is a national and citizen of the Dominican Republic.

14. I conducted records checks which reveal that no application to request permission on form I-212 had been filed on behalf of "Cristian DIAZ-DUVERGE" at the Office of Citizenship and Immigration Services.

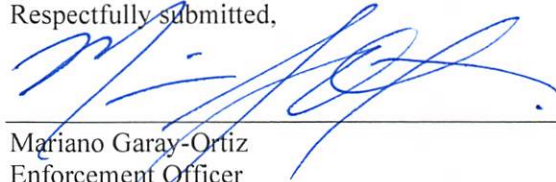
15. DIAZ-DUVERGE is a citizen and national of the Dominican Republic and is an alien with no authorization or legal status to be present in the United States.

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CONCLUSION

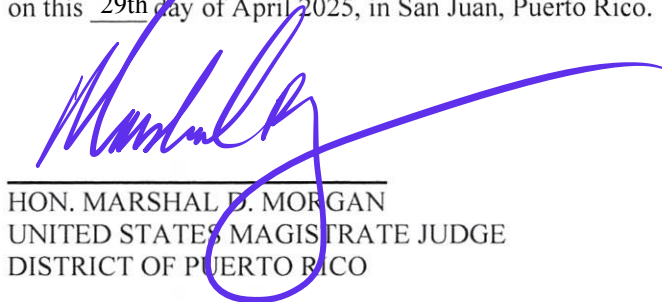
16. Based upon my training, experience, and my participation in this investigation, I believe that probable cause exists that Cristian DIAZ-DUVERGE attempted to enter illegally the United States by eluding inspection in violation of 8 U.S.C. § 1325 (a)(2) and boarded the M/V Kydon from Caribbean Ferries without the consent of the owner, charterer, master, or the person in command of the vessel in violation of 18 U.S.C. § 2199.

Respectfully submitted,



Mariano Garay-Ortiz
Enforcement Officer
Homeland Security Investigations

Sworn in accordance with the requirement of Fed. R. Crim. P. 4.1. by telephone at 5:53PM
on this 29th day of April 2025, in San Juan, Puerto Rico.



HON. MARSHAL D. MORGAN
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF PUERTO RICO